

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 CARLOS FIGUEROA,

No. C 11-02130 CW

11 Plaintiff,

ORDER DENYING
PLAINTIFF'S
UNTIMELY MOTION TO
OPPOSE DEFENDANTS'
MOTIONS TO DISMISS
(Docket No. 29)

12 v.

13 NATIONAL CITY MORTGAGE; ACCUBANK
MORTGAGE DIVISION, a division of
NATIONAL CITY BANK OF INDIANA;
PNC BANK, NATIONAL ASSOCIATION;
CAL-WESTERN RECONVEYANCE
CORPORATION, and DOES 1 through
50, inclusive,

17 Defendants.

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19 The Court has dismissed this action for failure to prosecute.
20 Plaintiff failed timely to oppose a motion to dismiss and a motion
21 to strike, both filed by Defendant PNC Bank, National Association
22 as successor by merger to National City Bank, previously doing
23 business as National City Mortgage and Accubanc Mortgage.¹
24 Plaintiffs' response to these motions was originally due on June
25 9, 2011. On June 17, 2011, the Court issued an order vacating the

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28 ¹ PNC Bank was sued erroneously as "Accubanc Mortgage a Division
of National City Bank of Indiana."

1 June 30, 2011 hearing date and giving Plaintiff a further
2 opportunity to submit his written opposition by June 30, 2011, and
3 warning him that if he did not, the Court would dismiss his
4 complaint for failure to prosecute. Plaintiff failed to meet the
5 second deadline. Thus, on July 7, 2011, the Court dismissed
6 Plaintiff's action for failure to prosecute. Claims against the
7 other named Defendants had been dismissed for other reasons.

8 On July 8, 2011, Plaintiff filed a document entitled "Notice
9 of Motion and Motion for Oppositions of the First Amended
10 Complaint." Docket No. 29. The Court considers that as his
11 opposition to the motion to dismiss. As such, it is untimely and
12 without merit. The case remains closed.

13 IT IS SO ORDERED.

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15 Dated: 9/19/2011


16 CLAUDIA WILKEN
17 United States District Judge
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